

WHEN RECORDED MAIL TO:  
Round Hill Enterprise  
Attn: Tom Murphy  
3169 Round Hill Rd.  
Alamo, CA 94507

89 56937 MAR 30 1989

FIRST AMENDMENT TO THE AGREEMENT DATED 8/25/74  
BETWEEN ASSOCIATION AND ENTERPRISES

BOOK 14970P 196

The Agreement dated the 25th day of August, 1974, between ROUND HILL COUNTRY CLUB, a California non-profit corporation, doing business as ROUND HILL MEMBERS ASSOCIATION referred to as "Association" and ROUND HILL ENTERPRISES, a California corporation, referred to as "Enterprises," and doing business as ROUND HILL GOLF AND COUNTRY CLUB, referred to as "Club," which Agreement was recorded on September 20, 1974, in Book 7327, pages 698-721, in the Office of the County Recorder of Contra Costa County, California, is hereby amended after approval of this Amendment by a majority vote of the Members of the Association and the General Membership, as follows:

The provisions of (a), (b), and (c) of Paragraph 11 of the Ageement are hereby deleted with the following substituted therefor:

- (a) Dues of the General Members shall be \$186.56 per month, commencing on June 1, 1988, and shall on June 1, 1989, on June 1, 1990, and on June 1, 1991 be increased by 6% of the monthly dues payable for the month next preceding June 1st of that year. Such monthly dues for the four years to June 1, 1992, are set forth as follows:

<u>Fiscal Year</u>	<u>Monthly Dues</u>
6/1/88 to 6/1/89	\$ 186.56
6/1/89 to 6/1/90	197.75
6/1/90 to 6/1/91	209.62
6/1/91 to 6/1/92	222.20

- (b) Commencing June 1, 1992 and on June 1 of each year thereafter, the monthly dues of the General Members shall be increased by the same percentage increase in the Consumer Price Index for "All Items" for "All Urban Consumers" (Base Year 1967=100) (C.P.I.), published by the U.S. Department of Labor for San Francisco-Oakland-San Jose, with such increase to be determined subject to a minimum and maximum increase, as follows:

- (1) The C.P.I. which is published for December, 1991, and for December of each year thereafter ("Extension Index"), shall be compared with the C.P.I. published for December, 1990 ("Beginning Index"). Commencing

RECORDED AT REQUEST OF  
*Round Hill Enterprises*

MAR 30 1989  
12 O'CLOCK M.  
CONTRA COSTA COUNTY RECORDS

B. CHAMBERS  
ACTING COUNTY RECORDER

\$ 11.00

June 1, 1992, and on June 1, of each year thereafter, the monthly dues for each of the following twelve months shall be the amount determined by multiplying the monthly dues of \$222.20 (the amount payable during the fiscal year of 6/1/91 to 6/1/92, as set forth in (a) above) by a fraction, the numerator of which is the Extension Index and the denominator of which is the Beginning Index.

- (2) If the C.P.I. is changed so that the Base Year of 1967=100 is changed prior to December, 1990, then the Base Year shall be that published for December, 1990. If the Base Year is changed so that it differs from the Base Year published for any Extension Index, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. (The present Base Year of 1967=100 is stated because it is published for the "All Items" Indexes, although the C.P.I. Base Index has been changed to 1982-84 = 100.) If the C.P.I. is discontinued or revised, such other Government Index or computation with which it is replaced, shall be used in order to obtain substantially the same results as would be obtained if the C.P.I. had not been discontinued or revised. If any provision of this subparagraph applies, then Enterprises shall make the determination under the standards herein provided and give written notice thereof to Association with written computations based thereon for adjustment of the monthly dues. Such determination shall be conclusive and binding upon Association, unless Association gives written notice to Enterprises specifying its objections to such determination and their reasons therefor, within 45 days after said notice from Enterprises. If Association gives such notice to Enterprises, and if they have not settled, in writing, such controversy within 15 days thereafter, then the matter shall be submitted to arbitration as provided in Paragraph 21 of the Agreement.
- (3) If the percentage increase of the monthly dues under (b) above is less than 5% of the monthly dues for the month next preceding the date of the increase in monthly dues, then the increase shall be 5% of the

BOOK 149708 197

monthly dues which were payable for the month next preceding the date for the increase in the monthly dues.

(4) If the percentage increase of the monthly dues under (b) above is in excess of 10% of the monthly dues for the month next preceding the date of the increase in monthly dues, then the increase shall be limited to 10% of the monthly dues which were payable for the month next preceding the date for the increase in the monthly dues.

(c) Non-member outside tournaments shall not be held at the club on Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, Sundays, and Holidays.

(d) Enterprises shall charge the same dues for all General Members of the Club.

BOOK 14970FC 198

IN WITNESS WHEREOF, Enterprises and Association, by their duly authorized officers, with the prior approval of their respective Board of Directors, and after approval of this First Amendment by a majority vote of the Members of the Association and the General Membership, have executed this First Amendment to the Agreement on this 29 day of MARCH, 1988. *J.M. [Signature]*

ROUND HILL ENTERPRISES,  
A California corporation

ROUND HILL COUNTRY CLUB  
A California non-profit  
corporation d.b.a. ROUND  
HILL MEMBERS ASSOCIATION

By: *[Signature]*  
Its President

By: *[Signature]*  
Its President

By: *[Signature]*  
Its Secretary

By: *[Signature]*  
Its Secretary

